

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
AT ISLIP, NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 10 2010 ★

LONG ISLAND OFFICE

Jamal Azeez, Plaintiff pro se
305 Marguerite Ave.
South Floral Park, NY 11001
516-476-1779

-----X
JAMAL A. AZEEZ,
Plaintiff

v. INDEX NO: 09-CV-4063 (IS)(ARL)

ENZO CLINIC LABS Inc.
MICHAEL GHALI, Lab Director
JOSE REYES, Lab Manager
JOHN DOE, *ET AL*,
Defendants

-----X

MOTION FOR APPOINTMENT OF PRO BONO COUNSEL

Plaintiff respectfully requests that the Court appoint counsel to represent him pursuant 42 U.S.C. §2000e-5(f)(1). Plaintiff cannot afford to hire counsel and a Request to Proceed *In Forma Pauperis* is on file.

Nature of Case

This is an action alleging wrongful employment termination in violation of the following laws:

Discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq;

Unpaid overtime under *Federal Labor Standards Act, Code of Federal Regulation, Title 29*

Chapter V Part 778 et seq; **Retaliation** for whistle blowing under False Claims Act, 31

U.S.C. § 3729 *et seq* and Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act) - Provides protection against retaliation based on employee's exercising a variety of rights guaranteed under the OSH Act, such as reporting, filing grievances, complaining or confronting a safety and health violation, participating in an inspection; etc. Additionally, Workplace Standards: Whistleblower and Retaliation Protection Laws. Sarbanes-Oxley Corporate Reform Act of 2002 Sarbanes-Oxley Act (SOX), 18 USC § 1514A provides internal and external whistleblower protection and extension to all employees (not only federal) in publicly traded companies for the first time. The provisions of Sarbanes-Oxley are:

- Make it illegal to "discharge, demote, suspend, threaten, harass or in any manner discriminate against" whistleblowers
- Establish criminal penalties of up to 10 years for executives who retaliate against whistleblowers
- Require board audit committees to establish procedures for hearing whistleblower complaints
- Allow the secretary of labor to order a company to rehire a terminated employee with no court hearing
- Give a whistleblower the right to a jury trial, bypassing months or years of administrative hearings

Miceli, Marcia P., and Near, Janet P. *Blowing The Whistle: The Organizational and Legal Implications for Companies and Employees*. New York: Lexington Books, 1992

Previous Efforts to Retain an Attorney

After opposing counsel suggested mediation, Plaintiff made attempts to hire counsel on a contingent basis but unsuccessful because of his inability to pay a retainer fee and all costs associate with adjudicating the case to the end.

The Law office of Funaro agreed to represent Plaintiff on a limited basis. Attorney George Vittorio attempted to settle the case before going into mediation. However, Defendants' counter-offer was unacceptable and Plaintiff suggested continuing with mediation. Defendants so far did not provide the list of six mediators as promised. Mr. Vittorio acknowledged that the case has a strong whistle-blower claim but demanded more money to amend the complaint to 'provide strength' before going into mediation. Counsel demanded funds up front but Plaintiff was unable to provide it. Unfortunately, Mr. Vittorio was relieved from the case due to lack of funds. Counsel for the Defendants contacted Plaintiff and requested to resume mediation. Plaintiff informed opposing counsel that he (Plaintiff) will seek the assistance of a competent lawyer during mediation. But after contacting them, they either refused going into mediation unless Plaintiff is properly repressed, or suggested strongly the need for counsel.

Merits of Claims

The Equal Employment Opportunity Commission has determined there is reasonable cause to believe that the allegations of the complaint are true, pursuable/adjudicable in a federal court, and issued a 'right to sue' letter.

Authorization for release of information is hereby given to furnish to members of the Federal Civil Rights Case screening committee and to any attorney subsequently selected by the Court to represent Plaintiff with a copy of the files maintained by them in connection with the complaint.

Points of Authorities: 42 U.S.C. §2000e 5(f)(1)(B)(1976).

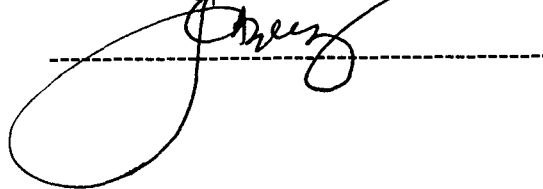
“Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security.: 42 U.S.C. §2000e5(f)(1)(B)(1976)

Previous Motion

This Court has recently decided on a previous motion to proceed *in forma pauperis* Case No.CV-10-2001 that was **granted**.

WHEREFORE, for the foregoing reasons, Plaintiff's request should be granted to satisfy the ends of justice.

Respectfully submitted,

A handwritten signature, appearing to be "Cheryl", is written over a horizontal dashed line. The signature is in black ink and is somewhat stylized.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JAMAL AZEEZ

Plaintiff

-vs-

UNITED STATES OF AMERICA
UNITED STATES POSTAL SERVICE EMPLOYEES

Defendant(s)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 10 2010 ★

LONG ISLAND OFFICE

**REQUEST TO PROCEED
IN FORMA PAUPERIS**

I, JAMAL AZEEZ, am the plaintiff in the above entitled case. I hereby request to proceed without being required to prepay fees or costs or give security therefore. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore, and I believe I am entitled to redress.

1. If you are presently employed:
a) give the name and address of your employer
b) state the amount of your earnings per month

UNEMPLOYED

2. If you are **NOT PRESENTLY EMPLOYED**:
a) state the date of start and termination of your last employment
b) state your earnings per month.

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

DECEMBER 2, 2009 \$5,410.00

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

NYS UNEMPLOYMENT INSURANCE

- a) Are you receiving any public benefits? ☐ No ☒ Yes, \$ 430/wk
b) Do you receive any income from any other source? ☒ No ☐ Yes, \$

4. Do you have any money, including any money in a checking or savings account? If so, how much?

\$502.00

5. Do you own any apartment, house or building, stocks, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☐ No ☒ Yes, TOYOTA YARIS..\$3,500.00. (No real estate, bonds, stocks, SSI,notes, etc)

6. List the person(s) that you pay money to support and the amount you pay each month.

CHERLY SINGH,

APPROXIMATELY \$700.00

7. Do you pay for rent or for a mortgage? If so, how much each month?

YES. \$500.00/ MTH FOR A SIGNLE ROOM

8. State any special financial circumstances which the Court should consider.

WRONGFULLY INCARCERATED FOR 12 YEARS DUE TO ILLEGAL CONVICTION.

LAST EMPLOYER CONDUCTED BACKGROUND CHECK THAT GOT ME FIRED.

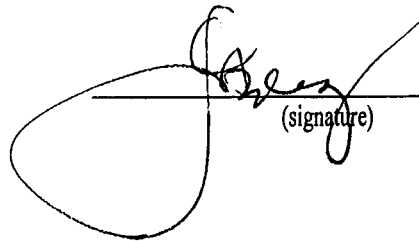
UNABLE TO FIND JOB DUE TO BACKGROUND CHECKS.

I understand that the Court shall dismiss this case if I give a false answer to any question in this declaration. In addition, if I give a false answer I will be subject to the penalties for perjury.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: 7/27/10

rev. 7/2002


(signature)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 10 2010 ★

JAMAL A AZEER

LONG ISLAND OFFICE

Plaintiff,

Affirmation of Service

-against-

ENZO ETAL

Defendant.

09CV 4063 (15) ARL

I, JAMAL AZEER, declare under penalty of perjury that I have
served a copy of the attached Motion For Appointment of Counsel
upon David Greenhaus (Jackson Lewis)
whose address is: 58 South Service Rd. Suite 400
Melville, NY 11747

Dated: Sept 5, 2010
 , New York

J. Azeer
Signature

305 Marguerite
Address

South Floral Pk, NY 11001
City, State, Zip Code

PRO SE OFFICE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
100 FEDERAL PLAZA
CENTRAL ISLIP, NY 11722
(631) 712-6060

Date: August 27, 2010

Re: 09-CV-4063(JS)(ARL)

Dear Mr. Azeez:

The enclosed "Motion for Appointment of Pro Bono Counsel" is being returned without docketing for the following reason(s):

- ☐ The docket number and judge's initials are missing.
- ☐ Your signature is required on all papers filed with the Court. Please sign wherever an "X" appears.
- ☐ These papers appear to be intended for another court or agency. *Done*
- ☒ **Papers cannot be filed without indicating that they have been served on your opponents or their attorneys. This office *will not* forward copies of your papers to your defendants or their counsel. An Affirmation of Service form is enclosed.**
- ☐ Your declaration of poverty is incomplete. Please answer question(s) _____.
- ☐ Your papers do not meet the minimum requirements for:
 - ☐ Legibility: please type or print clearly.
 - ☐ Language: only English is acceptable.
 - ☐ Form or Content: See forms/instructions enclosed.
 - ☐ Please indicate the documents you served on your affirmation of service.
 - ☐ Other:
- ☐ You must include the \$350.00 filing fee payable by cash (in person only), certified check, money order or personal check, made payable to "Clerk of Court-E.D.N.Y.", or file a declaration of poverty (enclosed).
- ☐ Each plaintiff must sign the complaint and each must submit a separate application to proceed In Forma Pauperis if you wish to have the filing fee waived.
- ☐ Pursuant to Local Civil Rules 5.1, discovery materials are not filed with the Court except by Order of the Court.
- ☐ This Court will only accept papers on 8 1/2 by 11 paper. Note that this does not include exhibits.
- ☐ Other:

PRO SE OFFICE
By: /s/ C.Vukovich

J. Azeez (Paralegal)
365 Marguerite Ave.
St. Floral Park, NY 11001.

TRIBORO NY 112
BKLYN-QNS-STATEN ISL
08 SEP 2010 PM 5 T



JUDGE A. LANDSEN, c/o CLERK OF COURT
UNITED STATES DISTRICT COURT
100 FEDERAL PLAZA
CENTRAL ISLIP, NEW YORK 11722

11722+4436

